

**ARCHER & GREINER P.C.**

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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LIFESCAN, INC. and JOHNSON &	:	
JOHNSON HEALTH CARE SYSTEMS,	:	
INC.,	:	Civil Action No.: 2:17-CV-05552-CCC-CLW
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
JEFFERY C. SMITH, GEOFFREY S.	:	<b>DEFENDANT JUSTIN LEAVITT'S</b>
SWINDLE, STEVEN L. HADLOCK,	:	<b>NOTICE OF MOTION TO DISMISS</b>
SAHILY PAOLINE, DAVID GRANT,	:	<b>PLAINTIFFS' FIRST AMENDED</b>
JUSTIN LEAVITT, BLAINE SMITH,	:	<b>COMPLAINT PURSUANT TO</b>
ALISON WISTNER, ADAM	:	<b>FED. R. CIV. P. 12(b)(2),</b>
KOOPERSMITH, and ZB, N.A.,	:	<b>FED. R. CIV. P. 12(b)(3), AND</b>
	:	<b>FED. R. CIV. P. 12(b)(6)</b>
	:	
Defendants.	:	<b>RETURNABLE FEBRUARY 12, 2018</b>
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**PLEASE TAKE NOTICE** that on February 12, 2018, or as soon thereafter as counsel may be heard, the undersigned counsel for Defendant Justin Leavitt shall move before the Honorable Claire C. Cecchi, United States District Court for the District of New Jersey, at the Martin Luther King Jr. Federal Building and Courthouse, Newark, New Jersey for the entry of an Order granting his Motion to Dismiss Plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3), and 12(b)(6), and for other relief as the Court deems necessary and appropriate under the circumstances.

**PLEASE TAKE FURTHER NOTICE** that in support of his Motion, Leavitt shall rely upon the Brief in Support filed concurrently herewith, which joins and incorporates the grounds

and arguments set forth in the Motion of Defendants Jeffrey C. Smith, Steven L. Hadlock, Sahily Paoline, David Grant, and Blaine Smith to Dismiss Plaintiffs' First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(2), Fed. R. Civ. P. 12(b)(3), and Fed. R. Civ. P. 12(b)(6). (*See* Dkt. 61.)

A proposed Order is also submitted herewith pursuant to Local Civ. Rule 7.1(e)(1).

DATED this 19th day of January, 2018.

**ARCHER & GREINER P.C.**

/s/ Thomas J. Herten

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